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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,547	02/07/2002	Masashi Mima	YOSH:002	7826
6160	7590	04/05/2004	EXAMINER	
PARKHURST & WENDEL, L.L.P. 1421 PRINCE STREET SUITE 210 ALEXANDRIA, VA 22314-2805			DIXON, MERRICK L	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/067,547	MIMA ET AL.	
	Examiner	Art Unit	
	Merrick Dixon	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 25-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11-7-02</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Pursuant to applicants' attorney, Mr. Wheeler, telephonic conversation with the examiner on 3-24-2004 and after revisiting the instant application, as relating to the election, the examiner now believes the restriction election, filed on July 27, 2003, appears to have been done in error. It appears that applicants intended to elect those claims offered by the examiner, specifically, group I, claims 1-24 but instead elected only claims 1-14.

In accordance with the foregoing belief, the instant office action is hereby submitted for applicants' review. It is noted, the previous office action is hereby rescinded and the instant action, containing, inclusively, claims 1-24, substituted therefor.

2. Applicant's election with traverse of claims 1-24 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that search and examination of the entire application could be made without serious burden. This is not found persuasive because indeed because both inventions are distinct and separate from each other and are classified in separate classes would be a serious burden to the examiner.

The requirement is still deemed proper and is therefore made FINAL.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinto et al(4681646) alone. The cited reference teaches the basic claimed invention including a stretchable conveyor belt comprising a plurality of first cuts extending widthwise direction of the belt and second cuts extending from the other surface of the belt in the lengthwise direction of the belt- col 4, lines 23-42; col 5, lines 1-5; col 5, lines 35-47. Concerning claims 2-5, the cited reference teaches the claimed limitations in col 3, lines 56- col 4, line 8; col 4, lines 63-66; fig 6. Concerning claim 6, the cited reference teaches the claimed limitations in col 4, lines 57-60; col 5, lines 16-34; figs 1-6. Concerning claim 7, the cited reference teaches the claimed limitations in col 4, lines 23-30. Concerning claims 8 and 9, the cited reference teaches the claimed limitations in col 5, lines 35-47; col 3, lines 31-34. concerning claim 19, the reference teaches the plurality of recesses as discussed above.

5. Claims 10-18 and 20-22,are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinto et al(4681646) in view of Habegger(4184589). The primary reference was discussed above, inter alia. The primary reference fails to teach the aspect of including a tension sheet in its patented invention. However the reference to Habegger teaches that it is known in the art to include such sheets in similar type conveyor as taught by the primary reference- col 2, lines 31-48. See entire reference. It would have been obvious to one of ordinary skill in the art at the time the invention is

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made to combine the teachings of the references and include similar types sheet material, as taught by the secondary reference, in the primary reference, in the absence of unexpected results. Such a combination would have been obvious to restrict and control the stretch ability of the primary reference.

Concerning claims 10 and 14, the secondary reference teaches the claimed limitations in col 2, lines 34-66; col 1, lines 66- col 2, line 8. Concerning claims 11-13, the cited reference teaches the claimed limitations in col 3, lines 17-24.

Concerning claims 21 and 22, the cited secondary reference teaches the intended use limitations in col 1, lines 9-17. Concerning claims 15 and 16, the reference teaches the rigid member limitations in col 2, lines 64-65. Concerning claims 17 and 18, the primary reference teaches this limitation in fig. 12; col 3, lines 31-34. Also, see entire reference.

7.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinto et al(46816460 in view of Harston(5038919). The primary reference was discussed above and incorporated herein. The reference, however, fails to expressly teach the aspect of an endless chain attached to its device. The secondary reference to Harston, however, teaches that it is known in the instant art to provide such chain member which impart drive force to the belt- col 3, lines 25-29; see entire reference. It would have been obvious to one of ordinary skill in the art at the time the invention is made to provide such notoriously well known chain member to the belt of the primary reference in the

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absence of unexpected results. Such a combination would have been further obvious to guide the primary reference's belt.

8

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vance et al(5141101) and Eroskey et al(47692020 are cited of interest for their respective teachings as set forth and additionally to show the state of the art.

9

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 703-872-9306.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

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Status inquiries for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time .

A handwritten signature in black ink, appearing to read "Merrick Dixon", with a stylized, flowing script.

Merrick Dixon

Primary Examiner

Group 1700